

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.101. PURPOSE.

The purpose of this division is to establish minimum requirements for grading and excavating of land, to provide for the issuance of permits and to provide for the enforcement of the requirements.

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SEC. 87.102. ZONING, LAND USE AND OTHER PERMITS REQUIRED.

Nothing in this division shall preclude the inclusion in any special use permit issued pursuant to The Zoning Ordinance or in any permit issued pursuant to Division 4 of this Title 8 of any condition, provision or requirement concerning the grading of land.

The permit required by this division shall be in addition to any permit required by The Zoning Ordinance or by Division 1 of Title 5, Division 4 of this Title 8 or any other provision of this Code.

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SEC. 87.103. HAZARDOUS CONDITIONS.

Whenever the County Official determines that any existing excavation or embankment or fill endangers or adversely affects the safety, use or stability of any public or private property, the owner of the property upon which the excavation, embankment or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the County Official shall within the period specified therein repair or eliminate such excavation, embankment or fill so as to eliminate the hazard and be in conformance with the requirements of this division.

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SEC. 87.104. DEFINITIONS.

Whenever the following words as used in this division they shall have the meaning ascribed to them in this section:

- (1) "BEDROCK" is the solid undisturbed rock in place either at the ground surface or beneath surficial deposits of gravel, sand or soil.
- (2) "CERTIFY OR CERTIFICATION" shall mean a signed written statement that the specific inspections and tests where required have been performed and that such tests comply with the applicable requirements of this division.
- (3) "CIVIL ENGINEER" is an engineer duly registered by the State of California to practice in the field of civil engineering.
- (4) "COMPACTION" shall mean densification of a soil or rock fill by mechanical or other acceptable procedures.
- (5) "COUNTY OFFICIAL" shall mean the County Engineer unless some other County officer is specified in this division.
- (6) "ENGINEERING GEOLOGIST" is a geologist duly registered by the State of California and certified in "Engineering Geology" by the State.
- (7) "ENGINEERING GEOLOGY" is the application of geological data and principles to engineering problems dealing with naturally occurring rock and soil for the purpose of assuring that geological factors are recognized and adequately interpreted in engineering practice.
- (8) "EROSION" shall mean the process by which the ground surface is worn away by the action of water or wind.
- (9) "EXCAVATION OR CUT" shall mean any act by which soil, sand, gravel or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated and shall include the conditions resulting therefrom.

- (10) "EXISTING GRADE" is the vertical location for the existing ground surface prior to excavating or filling.
- (11) "EXPANSIVE SOIL" is any soil which swells more than 3 percent when prepared and tested in accordance with the test prescribed by Chapter 6 or other equivalent test approved by the County Official.
- (12) "EMBANKMENT OR FILL" are deposits of soil, sand, gravel, rock or other materials placed by man.
- (13) "FINISH GRADE" is the final grade or elevation of the ground surface conforming to the proposed design.
- (14) "GRADING" is any excavating or filling or combination thereof and shall include the land in its excavated or filled condition.
- (15) "GRADING PERMIT" shall mean a permit issued pursuant to this division.
- (16) "LANDSCAPE ARCHITECT" shall mean a landscape architect registered by the State of California.
- (17) "LANDSLIDE" is a downward and outward movement of soil, sand, gravel or rock or a combination thereof and the condition resulting therefrom.
- (18) "MAJOR SLOPE" shall mean any constructed slope which is greater than fifteen (15) feet in vertical height measured from toe of slope to brow of slope as illustrated in Standard Drawings 208 and 209, or any constructed slope regardless of height which is exposed to public view from or across such open areas as roads, canyons, flood plains, lagoons, or similar public vantage points or open spaces.
- (19) "MINOR SLOPE" shall mean any constructed slope which is not a major slope.
- (20) "NATURAL GROUND SURFACE" shall mean the ground surface in its original state before any grading, excavation or filling.
- (21) "OWNER" shall mean any person as defined by Section 12.115 of the County Code who is the owner of, has a possessory interest in, has possession or control of, or occupies, real property.
- (22) "PERMITTEE" shall mean any person to whom a permit is issued pursuant to this division.

- (23) "ROUGH GRADING" is an approximate elevation of the ground surface conforming to the proposed design.
- (24) "SITE" is any lot or parcel of land or combination of contiguous lots or parcels of land where grading is performed or permitted.
- (25) "SLOPE" shall mean the inclined exposed surface of a fill, excavation or natural terrain.
- (26) "SOIL" is all earth material of whatever origin that overlies bedrock and may include the decomposed zone of bedrock which can be excavated readily by mechanical equipment.
- (27) "SOIL ENGINEER" shall mean a registered civil engineer who:
- (a) is engaged in the practice of civil engineering and spends a majority of his time in the field of applied soil mechanics and foundation engineering.
 - (b) has at least four years of responsible practical experience in the field of applied soil mechanics.
 - (c) maintains an adequately equipped soils testing laboratory.
- (28) "STATE" means the State of California.
- (29) "STRUCTURAL ROCK FILLS" shall mean fills constructed predominantly of rock materials for the purpose of supporting structures.

(Amended by Ord. No. 3281 (N.S.), effective 1-22-69; amended by Ord. No. 3945 (N.S.), effective 9-14-72; amended by Ord. No. 4269 (N.S.), effective 4-11-74; amended by Ord. No. 5841 (N.S.), effective 9-4-80; amended by Ord. No. 5928 (N.S.), effective 12-12-80; amended by Ord. No. 9329 (N.S.), effective 6-1-01)

Cross reference(s)--Definitions, § 12.101 et seq.

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SEC. 87.104.5. GENERAL PROVISIONS.

- (a) False Statements. Any falsification or mis-representation made to the County concerning compliance with this division, including any voluntary disclosures and including any report that is so deficient or incomplete as to cause misunderstanding, and any withholding of information required to be submitted by or pursuant to this division, is a violation of this division.
- (b) Inspections. County representatives may enter any property or premises subject to this division for the purpose of determining compliance with this division.

(Added by Ord. No. 9343 (N.S.), effective 6-22-01)

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SEC. 87.105. GRADING PLANS AND REPORTS -- EXCEPTIONS.

The County Official may accept in lieu of the grading plans and reports required pursuant to this division, grading plans and reports prepared for submission to the United States, the State of California, or other public entity which grading plans and reports are substantially the same as the grading plans and reports required by this division.

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**SEC. 87.106. VIOLATIONS TO CONSTITUTE PUBLIC
NUISANCE.**

In addition to any penalty prescribed for violation of this Code, any grading done contrary to the provisions of this division is unlawful and a public nuisance. A public nuisance may be abated in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code or, upon order of the Board of Supervisors the County Counsel is authorized to commence necessary proceedings provided by Law to abate, remove and/or enjoin such public nuisance. Any grading done without grader's first having obtained a grading permit therefor, regardless of whether such failure is due to neglect or refusal, shall be prima facie evidence that a public nuisance has been committed.

(Added by Ord. No. 3281 (N.S.), effective 1-22-69; amended by Ord. No. 7141 (N.S.), effective 6-26-86)

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SEC. 87.107. REFERRAL TO PLANNING ENVIRONMENTAL REVIEW

Prior to the issuance of any grading permit, the Director of Public Works shall refer the application for such permit to the Planning Environmental Review Board (PERB) for review and recommendation whether the proposed grading could have a significant effect upon the environment; provided, however, such application need not be referred to the Planning Environmental Review Board (PERB) if any of the following conditions are met:

- (a) A County board, commission or officer having final authority for project approval has adopted an environmental impact report which considered the proposed grading or has determined that the project, which included the proposed grading, would not have a significant effect upon the environment; or
- (b) The proposed grading is on land which at no point has a slope steeper than 10 percent; or the average cut in the cut area does not exceed 3 feet, and the average fill in the fill area does not exceed 3 feet, and there is no cut in excess of 15 feet, and there is no fill in excess of 15 feet (for purposes of the 15 foot requirement, the cut or fill measurement must be taken vertically at the deepest point of the cut or fill to the natural ground surface); or
- (c) The application is for a grading permit for a borrow pit which, on or before May 10, 1973 was authorized as a nonconforming use under the provisions of The Zoning Ordinance or by a major use permit issued pursuant to The Zoning Ordinance; or
- (d) The proposed grading is pursuant to a tentative map or tentative parcel map and the grading substantially conforms to a grading plan which bears identification as having been considered as a basis for approval of that map pursuant to Section 81.303 or Section 81.605 of this Code; or
- (e) The proposed grading is pursuant to a major use permit or site plan and the grading substantially conforms to a grading plan which bears identification as having been considered as a basis for approval of that major use permit or site plan pursuant to Section 7153 or Section 7354 of the Zoning Ordinance.

Anything contained in this section to the contrary notwithstanding, if in the opinion of the Director, Department of Public Works there are unusual conditions with respect to the property for which an

application is filed which render an environmental review desirable or necessary, the Director of Public Works shall refer the application to the Planning Environmental Review Board (PERB) for the aforementioned recommendation. Such unusual conditions may include but are not limited to land located in:

- (a) waterways;
- (b) wetlands;
- (c) Scenic Corridor Zones or other areas officially designated by Federal, State or local governments as scenic areas; or
- (d) areas of severe geologic hazard.

(Added by Ord. No. 4027 (N.S.), effective 1-2-73; amended by Ord. No. 4086 (N.S.), effective 5-10-73; amended by Ord. No. 4269 (N.S.), effective 4-11-74; amended by Ord. No. 6508 (N.S.), operative 3-1-83; amended by Ord. No. 9315 (N.S.), effective 4-12-01)

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SEC. 87.108. REVIEW.

The Planning Environmental Review Board (PERB) shall review each application referred to it and make a recommendation whether the grading if carried out as proposed, could have a significant effect upon the environment. Upon receipt of such recommendation the Director of Public Works shall give consideration thereto and shall make all findings and take all actions required by the California Environmental Quality Act; thereafter, he/she may grant, deny, or conditionally grant the application.

(Added by Ord. No. 4027 (N.S.), effective 1-2-73; amended by Ord. No. 6508 (N.S.), operative 3-1-83)

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SEC. 87.109. [RESERVED.]

(Added by Ord. No. 4027 (N.S.), effective 1-2-73; repealed by Ord. No. 6508 (N.S.), effective 3-1-83)

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SEC. 87.110. [RESERVED.]

(Added by Ord. No. 4027 (N.S.), effective 1-2-73; amended by Ord. No. 4086 (N.S.), effective 5-10-73;
repealed by Ord. No. 6508 (N.S.), effective 3-1-83)

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SEC. 87.110.5. [RESERVED.]

(Added by Ord. No. 4544 (N.S.), effective 8-14-75; repealed by Ord. No. 6508 (N.S.), operative 3-1-83)

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SEC. 87.111. [RESERVED.]

(Added by Ord. No. 4027 (N.S.), effective 1-2-73; repealed and Section 87.112 renumbered to Section 87.111 by Ord. No. 4086 (N.S.), effective 5-10-73; repealed by Ord. No. 6508 (N.S.), operative 3-1-83)

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SEC. 87.113. CALIFORNIA COASTAL

No grading permit shall be issued for any project or development within the California Coastal Zone until the applicant has presented an approved Coastal Act permit or a certificate of exemption from Coastal Act permit requirements granted by the Director of Planning.

(Added by Ord. No. 4096 (N.S.), effective 5-1-73; amended by Ord. No. 6750 (N.S.), effective 5-4-84)

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SEC. 87.114. GRADING INCIDENT TO REPAIR, ALTERATION OR CONSTRUCTION OF SINGLE FAMILY DWELLINGS.

Notwithstanding any provision of Section 87.113 of this Code, a grading permit may be issued without compliance with the said Section 87.113 for grading incident to the repair, alteration or construction of a single family dwelling on a lot not subject to the Coastal Development Area Regulations of The Zoning Ordinance and not having slopes over 25%.

(Added by Ord. No. 4158 (N.S.), effective 10-4-73; amended by Ord. No. 6750 (N.S.), effective 5-4-84)

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SEC. 87.115. SEWER COMMITMENT REQUIRED FROM BUENA, CARDIFF, LAKESIDE, AND SOLANA BEACH SANITATION DISTRICTS.

In all cases where application for grading permit is made for a project which requires sewer service from the Buena, Cardiff, Lakeside or Solana Beach Sanitation District, no permit shall be issued unless a written sewer commitment has been issued by the applicable Sanitation District.

(Added by Ord. No. 5587 (N.S.), effective 9-20-79; amended by Ord. No. 5641 (N.S.), effective 11-13-79; Ord. No. 5651 (N.S.), adopted 11-20-79, effective 12-20-79, supersedes Ord. No. 5641)

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SEC. 87.116. [RESERVED.]

(Added by Ord. No. 6917 (N.S.), effective 2-28-85; amended by Ord. No. 6918 (N.S.), effective 3-7-85; amended by Ord. No. 7082 (N.S.), effective 1-28-86; amended by Ord. No. 7102 (N.S.), effective 3-12-86; amended by Ord. No. 7116 (N.S.), effective 4-22-86; repealed by Ord. No. 7242 (N.S.), effective 12-9-86; Ord. No. 7253 (N.S.), adopted 12-16-86, effective 1-15-87, supersedes Ord. No. 7242)